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GENOCIDE CONVENTION

U. S. leadership was largely responsible for the Genocide Convention, which the United Nations General Assembly approved on December 9, 1948. *Convention* means an international agreement or treaty.

In 1950, President Truman submitted the Genocide Convention to the Senate for ratification. Public opposition was so strong that the Senate Foreign Relations Committee took no action.

After Eisenhower's election, there was renewed effort for Senate ratification; but, again, the public said *no*; and, in 1953, Eisenhower's Secretary of State said the Genocide Convention "could better be reconsidered at a later date."(1)

For 13 more years, the Convention lay dormant in the Senate Foreign Relations Committee.

On May 12, 1966, Arthur J. Goldberg, then U. S. Ambassador to the UN, told the American Jewish Committee that the Johnson administration would press the U. S. Senate for immediate ratification of the Genocide Convention.(1) Johnson did not press hard, and public opposition remained strong.

In December, 1969, a liberal group within the American Bar Association urged the Association (which had opposed the Genocide Convention for 20 years) to reverse its stand.(2)

On February 19, 1970, President Nixon urged the Senate to ratify the Genocide Convention. Liberals are hopeful that Nixon has enough conservative image to overcome conservative opposition.(2)

Urging the American Bar Association to recommend ratification of the Genocide Treaty, former Attorney General Nicholas Katzenbach, on February 23, 1970, said:

"I remind you, remember who is looking at you. The world is looking at you."(3)

That is the sum of all liberal arguments for the Genocide Treaty. America has already had too much of sacrificing our own interests on the premise that such sacrifice will curry favor with "the world." In fact, "the world" is contemptuous of us for our groveling. Any nation more concerned about its

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world image than about the integrity of its political principles and the freedom of its own people is unworthy of respect.

President Nixon told the Senate that Attorney General John Mitchell "concurs in the Secretary of State's judgment that there are no constitutional obstacles to United States ratification."[2]

But there are obstacles. Under false, but prevailing, constitutional interpretation, a treaty to which we are a party becomes supreme law of our land, overriding (where there is conflict) local, state, and federal laws; all state constitutions; and the federal Constitution. Consequently, Senate ratification of the Genocide Convention *could* have disastrous effects on the American constitutional system.

Here are the main provisions of the Genocide Convention:

"ARTICLE II. In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group as such:

"(a) Killing members of the group;

"(b) Causing serious bodily or mental harm to members of the group;

"(c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;

"(d) Imposing measures intended to prevent births within the group;

"(e) Forcibly transferring children of the group to another group.

"ARTICLE III. The following acts shall be punishable:

"(a) Genocide;

"(b) Conspiracy to commit genocide;

"(c) Direct and public incitement to commit genocide;

"(d) Attempt to commit genocide;

"(e) Complicity in genocide.

"ARTICLE IV. Persons committing genocide or any of the other acts enumerated in Article III shall be punished, whether they are constitutionally responsible rulers, public officials or private individuals.

"ARTICLE V. The Contracting Parties undertake to enact, in accordance with their respective Constitutions, the necessary legislation to give effect to the provisions of the present Convention and, in particular, to provide effective penalties for persons guilty of genocide or any of the other acts enumerated in Article III.

"ARTICLE VI. Persons charged with genocide or any of the other acts enumerated in Article III shall be tried by a competent tribunal of the State in the territory of which the act was committed, or by such international penal tribunal as may have jurisdiction with respect to those Contracting Parties which shall have accepted its jurisdiction.

"ARTICLE VII. . . . The Contracting Parties pledge themselves in such cases to grant extradition in accordance with their laws and treaties in force. . . .

"ARTICLE IX. Disputes between the Contracting Parties relating to the interpretation, application or fulfillment of the present Convention, including those relating to the responsibility of a State for genocide or any of the other acts enumerated in Article III, shall be submitted to the International Court of Justice at the request of any of the parties to the dispute."[4]

Think of what could happen if the Senate ratifies the Genocide Convention, and the courts declare it supreme law in the United States.

Suppose a Negro (or any other person identifiable as belonging to a "national, ethnical, racial, or religious group") is duly tried, convicted, sentenced, and executed for committing a heinous crime in some state where there is capital punish-

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ment. This killing could be considered an international crime, as defined in provision (a) of Article II of the Genocide Convention. Article IV of the Convention says that public officials can be prosecuted for genocide. Article III says that complicity in genocide is punishable. Consequently, every law enforcement official who had anything to do with the arrest and detention of the executed criminal; every person who gave information that helped police find and arrest the criminal; every witness against him; the judge and jury of the trial court that found him guilty; the prosecuting attorney and his assistants; all participating members of any appellate court that denied the criminal's appeal or affirmed his conviction; the state governor who signed the order of execution; persons who participated in the official act of execution — all could be accused of the international crime of genocide.

Suppose a Black Panther is convicted of crime and sentenced. All private persons and public officials who participated in his arrest, trial and incarceration could be accused under Provision (b) of Article II of the Genocide Convention — for having caused, or helped cause, "serious bodily or mental harm" to a member of a "national, ethnical, racial, or religious group."

Criticizing communists and other agitators (domestic or foreign) who are creating criminal anarchy and trying to incite racial civil war in the United States could be construed as genocide (causing "mental harm") — if the agitators were identifiable as members of a group protected by the Genocide Convention.

Some 20 states in our union have sterilization laws, giving courts authority to order sterilization of lawbreakers who are feeble-minded or otherwise unfit for procreating normal children. All officials acting under terms of these laws could be charged under Provision (d) of Article II of the Genocide Convention, for "imposing measures intended to prevent births" within one of the groups protected by the treaty. The same charges could be brought against all who help provide birth-control instructions, devices, or medicines to members of groups specified in the Genocide Convention.

You think none of this could happen here? Years ago, the Civil Rights Congress (a notorious communist front in the United States) made a formal complaint before the UN, accusing the U. S. of Negro genocide, charging the United States with willful creation of conditions causing premature death, poverty, and disease among Negroes — because some Negroes live in slums!

In November, 1969 — at the height of the propaganda offensive against American Armed Forces because of the alleged massacre of Vietnamese civilians at My Lai in Pinkville — the government of North Vietnam accused the U. S. of genocide.[2]

Recently, TV networks provided a national audience to hear Ralph Abernathy (president of Southern Christian Leadership Conference) accuse American whites of genocide. He said whites are determined to exterminate Negroes in the United States. American law enforcement agencies have been accused of trying to exterminate Black Panthers.

The fact that such outrageous charges have been made is a harbinger of things to come if the Senate ratifies the Genocide Convention.

The Genocide Convention grew out of the war-crimes trials against nazi leaders following World War II. Ostensibly, these trials proved that nazis had murdered millions of Jews in an effort to eradicate Jews as a racial and religious group. Presumably, the Convention is intended to outlaw such horrible practice.

All communist nations in the UN voted for the Genocide Convention in 1948; and all have ratified it. Yet the communists have more genocidal blood on their hands than nazis ever had.

To solidify their dictatorship in Russia, the Soviets exterminated millions. To prepare for

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postwar conquest and control of Poland, the Soviets committed the Katyn Forest massacres, which wiped out a substantial portion of the officer and leadership classes in Poland. Mass murders for political reasons are standard practice in communist countries, but they are not punishable under the Genocide Convention.

The Genocide Convention does not protect economic and political groups. Communist governments do not murder people for "national, ethnical, racial, or religious" reasons — but for what they call political and economic crimes. Hence, the murders are not genocide, as defined in the Genocide Convention.

The upshot is that the UN treaty to outlaw genocide exempts communist governments — which actually do exterminate whole groups of people. Hence, it is easy to see why communist governments support the Convention. It in no way affects their bloody pogroms against their own people; but it could, if the U. S. becomes a party to it, give communists — and all other American-haters in foreign lands — the color of international law for intervening in our domestic affairs and harassing Americans who incur the wrath of the enemies of our country.

The UN and its various commissions and specialized agencies have fabricated scores of conventions which our State Department has submitted, or eventually may submit, to the U. S. Senate for ratification as treaties. The Genocide Convention is probably the most dangerous; but all rest on two world-government concepts: (1) that a nation's treatment of its own people should no longer be that nation's exclusive concern, but a matter of international concern; and (2) that individuals should be controlled by a higher political authority than that of their own nation.

These concepts are alien to, and destructive of, American principles of government. Our federal and state constitutions prescribe the relationship between government and the people in the United States. By becoming a party to UN conventions and treaties, our federal government substitutes, for our own Constitution, documents written by international communists and socialists, transferring authority over the American people from their own government to international agencies.

Please write or wire both U. S. Senators from your state, urging them to oppose ratification of the Genocide Convention. You might remind them that, despite all pressures, the American Bar Association — on February 23 — reaffirmed its 20-year-old stand against the treaty.[5]

SUGGESTION: Put copies of this *Report* in your barber shop, beauty parlor, doctor's office, laundromat. Distribute it among friends and acquaintances, urging them to write their Senators.

FOOTNOTES

(1) Irving Spiegel, *New York Times*, May 13, 1966, p. 18

(2) James M. Naughton, *New York Times*, Feb. 20, 1970, pp. 1, 14

(3) AP, Feb. 24, 1970

(4) *The Crime of Genocide*, United Nations Publication Sales Number 59.1.3

(5) AP, Feb. 23, 1970

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